

FOR MYSORE STATE

27-40,000-27-10-52.

Home

(195⁴⁹) Department.

MS SERIES.

P 3(E)

G.O No. 3133

Dated 16th September 1949

[Despatch Abstract.]

Extradition Fugitive Offenders - From India to Pakistan and
Vice versa Procedure for handing over and taking of the custody
of Fugitive Offenders at the border of the two Dominions
Letter from the Government of India - Communicated.

F.66-1/48-Pak.II.
Government of India,
Ministry of External Affairs,
New Delhi, the 2nd September 1949.

From

Prem Krishen Esq^r, I.C.S.
Deputy Secretary to the Govt. of India.

To

All Provincial Governments and Chief Commissioners in India.

Extradition of fugitive offenders from India to
Pakistan and vice Versa - Procedure for handing
over and taking of the custody of fugitive
offenders at the borders of the two Dominions.

Sir,

(With reference to the correspondence resting with
their Home Department letter No.4647/5-D, dated
the 7th June 1949.)

In continuation of this Ministry's letter No.F.23-1/47-
OS.V(Pak) dated the 10th March 1948, on the subject of extradition of
fugitive offenders from Pakistan to India and vice versa under ~~xxxx~~
the Fugitive Offenders Act, 1881 (copy enclosed) I am directed to say
that if after a thorough examination of the case and observance of all
the legal formalities provided in the Fugitive Offenders Act of 1881
and the Indian Extradition Act of 1903, it is decided to extradite a
fugitive offender to Pakistan, the Provincial Government which is to
surrender the fugitive offender, will communicate the decision to the
Government of India, Ministry of External Affairs; who will then inform
the Government of Pakistan of their final decision taken in the matter.
If extradition is decided upon, the Central Government of India will
communicate the decision to the Provincial Government. The Provincial
Government will then, by correspondence with the Provincial Government
concerned in the Dominion of Pakistan, settle the actual details of the
handing and taking over of the custody of the offender. The escort
provided by the surrendering Dominion will not be expected to convey
the prisoner across the border but will hand him over at the border to
the escort sent by the other Dominion for receiving the custody of the
prisoner.

This arrangement has been made on a reciprocal basis
in consultation with the Government of Pakistan, who have issued similar
instructions to their Provincial Governments in regard to the extra-
dition of fugitive offenders from Pakistan to India.

Yours faithfully,

Sd/- Dy. Secy.

P.T.O.

F,23-1/47-OS.V(PAK),
Government of India,
Ministry of External Affairs &
Commonwealth Relations, New Delhi
10th March 1948.

From
T.B.CROSSLEY ESQ., O.B.E., I.C.S.
Deputy Secretary to the Government of India.

To
All Provincial Governments and Chief Commissioners

Extradition of fugitive Offenders from Pakistan
to India and vice Versa under the Fugitive Offenders
Act, 1881 - Procedure.

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Sir,

(With reference to your letter No.HPL.275/47/1 dated the 18-9-47 / (with reference to the correspondence resting with this. Ministry's letter No.F23-1/47-OSV(Pak) dated 18-2-1948) I am directed to say that the Government of India are advised that extradition of offenders as between the Dominions of India and Pakistan, which form part of His Majesty's Dominions, will be regulated by Part I of the Fugitive Offenders Act of 1881 read with Section 19 of the Indian Extradition Act, 1903, which by virtue of an Order-in-Council dated the 7th March 1904 is to be recognised, and given effect to, throughout His Majesty's Dominions, as if it were a part of the Fugitive Offenders Act of 1881. The following procedure for the extradition of fugitive offenders from Pakistan to India should accordingly be followed.

The Provincial Government should send to the Government of India for transmission to the Central Government of Pakistan, warrants with duly authenticated copies of depositions and other documents on which they rely to prove that there is a strong and probable presumption that the fugitive committed the offence mentioned in the warrant. The depositions, warrants and documents should be authenticated in the manner provided in section 29 of the Fugitive Act, 1881. The Government of Pakistan, on being satisfied that the warrant has been issued by some persons having lawful authority to issue it, will then take action under the Act. After the completion of proceedings the Pakistan Government may then order that the fugitive offender be conveyed and produced before the Court in India which issued the original warrant.

The Government of Pakistan have agreed to the procedure outlined above and are issuing similar instructions to the Provincial Governments in Pakistan in this regard.

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The procedure prescribed above should be observed by Indian Provincial Governments in respect of warrants received from Pakistan through this Ministry.

Sd/- T.B.Crossley,
Deputy Secretary.

Home Department.

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EXTRADITION - Fugitive offenders - From India to Pakistan and Vice-versa - Procedure for handing over and taking of the custody of fugitive offenders at the border of the two Dominions - Letter from the Government of India - Communicated.

G.O. Ms. No. 1220 Home dated 1-4-1948.

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ORDER. Communicated to all District Magistrates and the Chief Presidency Magistrate, Madras.

Sd/- x x x x x

To the All District Magistrates.

To the Chief Presidency Magistrate, Madras. (With enclosure)

Copy to the I.G. of Police, Madras.

To the Registrar, High Court, Madras.

RCB/

Superintendent.

Madras Record Office.

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